

Appl. No. : 10/022,631
Amendment Dated : May 4, 2006
Reply to Office Action of : February 6, 2006

Attorney Docket No.: 1000780-00002

Remarks

Claims 26-43 are pending in the application. Claims 30-38 have been withdrawn from consideration. Claim 26 has been amended to delete the recitation "or are in cellular diseases." Claim 39 has been amended to include the recitation "wherein the pathological site comprises a micrometastasis having a diameter of about 1 mm or less." This amendment is supported throughout the application, for example, at p. 3, ll. 27, p. 15, ll. 17-18, and claim 26 as originally filed. No new matter has been introduced. Applicant respectfully requests entry of the amendments.

Priority

The pending claims have support back to abandoned application 08/097,471, filed July 27, 1993.

Rejections Under 35 U.S.C. §103

In § 4 of the Office Action, the Examiner rejected claims 26, 29, and 39-43 under 35 U.S.C. 103(a) as allegedly obvious over Subramanian in view of van Geel (USPN 5,355,394) and Kozak (Tibtech, vol. 4, no. 10, pp. 2590264 (1986)). Applicant traverses the rejection. The combination of Subramanian in view of van Geel and Kozak do not make obvious the claimed invention because the combination does not disclose all of the elements of the claims. For example, independent claims 26 and 39 both specify that the methods relate to target cells or a pathological site in micrometastases having a diameter of about 1 mm or less. Neither Subramanian, van Geel, nor Kozak disclose or suggest that radioconjugates can be used against such micrometastases. Applicant requests that the Examiner reconsider and withdraw this ground of rejection.

In § 5 of the Office Action the Examiner rejects claims 26 and 39-42 as obvious over Macklis in view of van Geel and Kozak. Applicant traverses the rejection. This combination of art does not disclose all of the elements of the claims. For example, the combination does not

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teach that radiodconjugates can be used against micrometastases having a diameter of about 1 mm or less. Applicant requests the Examiner reconsider and withdraw this ground of rejection.

In §§ 6, 7, 8, 9, 10, and 11 of the Office Action, the Examiner rejected claims 27, 28, 29, and 43 as obvious over various combinations of art from the Subramanian, van Geel, Kozak, Greer (USPN 4,894,364), Macklis, and Zamora (USPN 5,443,816) references. Applicant traverses these rejections. Independent claims 26 and 39 both specify that the methods relate to target cells or a pathological site in micrometastases having a diameter of about 1 mm or less. No combination based on the above-mentioned references teaches or suggests this element. Therefore, applicant requests that the Examiner reconsider and withdraw this ground of rejection.

In § 13 of the Office Action, the Examiner rejected claims 26-29 and 39-43 under the judicially created doctrine of obviousness-type double patenting over claims 1-3 of U.S. Patent No. 5,641,471. Although applicant believes the above-referenced claims are non-obvious over the claims in the cited patent, applicant stands ready to submit a terminal disclaimer to obviate the above-referenced obviousness-type double patenting rejections once the claims are deemed to be in condition for allowance. Until that time, applicant requests the Examiner to hold this rejection in abeyance.

In § 14 of the Office Action, the Examiner rejected claims 26-29 and 39-43 under the judicially created doctrine of obviousness-type double patenting over claims 1-11 and 20-22 of U.S. Patent No. 6,403,771. Although applicant believes the above-referenced claims are non-obvious over the claims in the cited patent, applicant stands ready to submit a terminal disclaimer to obviate the above-referenced obviousness-type double patenting rejections once the claims are deemed to be in condition for allowance. Until that time, applicant requests the Examiner to hold this rejection in abeyance.

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CONCLUSION

For the reasons stated above, we believe that all the pending claims are allowable and therefore ask the Examiner to allow them to issue.

Please apply any charges that may be due, or any credits owed, to Deposit Account No. 08-0219.

Respectfully submitted,



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Date: 5/4/06

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